

Exhibit 6

(REDACTED)

This Exhibit contains the specific pages of the deposition Plaintiffs are referencing. The entire deposition was separately filed in the record pursuant to LR 5.1 and the M.D. Ga. CM/ECF Administrative Procedures Manual.

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

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WILHEN HILL BARRIENTOS, et al.,)
Plaintiff,)
v.) CASE NO. 4:18-cv-00070-CDL
CORECIVIC, INC.,)
Defendant.)
-----)

REMOTE VIDEOCONFERENCE DEPOSITION OF
MICHAEL SWINTON
Tuesday, November 2, 2021
10:00 a.m.

Reported by: Goldy Gold, RPR

Job No. 201429

1
2 Date: November 2, 2021

3 Time: 10:00 a.m.
4
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6 REMOTE DEPOSITION OF MICHAEL

7 SWINTON, taken by Counsel for Plaintiffs,
8 in the above-titled matter, on November
9 2, 2021, commencing at 10:00 a.m., and
10 reported by Goldy Gold, a Registered
11 Professional Reporter and a Notary Public
12 within and for the State of Maryland.
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A P P E A R A N C E S (appearing via Zoom):

On Behalf of the Plaintiffs:

BY: ALAN HOWARD, ESQUIRE
PERKINS COIE
1155 Avenue of the Americas
New York, New York 10036

On Behalf of the Defendant:

BY: JACOB LEE, ESQUIRE
STRUCK LOVE BOJANOWSKI & ACEDO
3100 West Way Road
Chandler, Arizona 85226

ALSO PRESENT (appearing via Zoom):

Jackie Aranda, Esq.
Caitlin Sandley, Esq.
Rebecca Cassler
SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, Alabama, 36104

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2 we maintain the operations of getting folks from
3 point A to point B. Security and safety.

4 Q. Now, to whom do you report?

5 A. I report to Kirk Sullivan. He's the
6 president of the company.

7 Q. Am I correct that TransCor has
8 employees on location at various facilities? For
9 example, including Stewart?

10 A. Yes, sir.

11 Q. And do those people on location
12 report to you or to someone who, in turn, reports
13 to you?

14 A. They report to a supervisor on site,
15 and then that supervisor has a director over
16 them, and then the directors report to me.

17 Q. When did you start at TransCor?

18 A. November 2012.

19 Q. And what was your position just
20 before starting at TransCor?

21 A. I was a warden at Stewart.

22 Q. When you moved from being the warden
23 at Stewart to TransCor in November 2012, did you
24 physically leave Georgia and go to Nashville or
25 somewhere else?

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2 A. Yes. I -- I left Georgia to go to
3 Nashville.

4 Q. So you were warden at Stewart until
5 November 2012. When did you start as warden at
6 Stewart?

7 A. I first started at Stewart in April
8 of 2007 as the assistant warden. And then I was
9 promoted to warden -- I want to say October 2008
10 timeframe, give or take.

11 Q. And then you remained warden for
12 that entire period, roughly 2008 until
13 November 2012, when you left to TransCor?

14 A. Yes.

15 Q. How did your responsibilities change
16 from the time you get promoted from assistant
17 warden to warden of SDC?

18 A. Well, as assistant warden, you're
19 involved in the various areas that you may either
20 be on the security side of the house or the
21 program side of the house, and your -- your focus
22 is in that area as an assistant warden. When
23 you're as a warden, you know, you're looking at
24 the big picture, the overall operations of the
25 facility, secure and safe operations.

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2 So I guess your -- your overall view
3 is larger versus -- as an assistant warden,
4 you're focused in one area.

5 Q. I missed what you said, the last
6 sentence. Were you saying security and
7 operational?

8 A. No. It was a -- there's a security
9 and a program side of the house. Operations and
10 security is one and the same for me.

11 Q. Okay. Which one were you overseeing
12 as assistant warden?

13 A. I want to say when I first came
14 aboard, I was on the program side of the house,
15 and then I went into probably security for a
16 little bit before I got promoted up. And I can't
17 remember the exact dates on that.

18 Q. And what's involved in the program
19 side of the house?

20 A. The unit management program, work
21 program, you know, safety program, religious
22 program.

23 Q. So all of that was under your watch
24 as assistant warden?

25 A. Yes.

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2 A. Yes, sir. I believe so, yes.

3 Q. Do you know what the design capacity
4 was for Stewart Detention Center?

5 A. Not off the top of my head, no.

6 Q. If the CoreCivic 2011 annual report
7 were to state that the Stewart Detention Center
8 had a design capacity of 1,752 detainees, would
9 you have any reason to disagree with that?

10 A. If that's what they have in their
11 paperwork, no. No.

12 Q. All right. I'm happy to show that
13 to you if you want to see it.

14 My question would be, as a practical
15 matter, if you have a detainee capacity for a
16 facility that's 1,752, how were you able to house
17 1,924 detainees?

18 MR. LEE: Form and foundation.

19 THE WITNESS: It was authorized to
20 do that, and I would say ICE would be
21 involved in that -- that determination as
22 well.

23 BY MR. HOWARD:

24 Q. Well, first of all, before we get
25 into the process for getting approvals or whatnot

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dollar per day, what other incentives do you recall being provided to workers -- to detainees to participate in the work program while you were warden?

A. I'm trying to think. I know at one time there might have been special occasions where phone cards were given out, and I can't think if there's anything else, other stuff given out, like -- I don't know. Maybe popcorn machine or something in the unit or something like that, or that might have just been for the unit. I can't remember, sir.

Q. When you say phone cards, you're talking about cards with an amount of phone time or money applicable to phone time put on the card, so that the detainees could -- I guess basically their phone calls to loved ones paid for?

A. Yes.

Q. And there were times when workers were given these phone cards as incentive to work?

A. Yes, sir.

Q. Do you recall whether any

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detainees -- for example, those who work in the kitchen -- were given extra food as an incentive to work?

A. There may have been times, yes, sir.

Q. And was it the case as a general rule that detainees were provided whatever food was given to them at each meal, and they were not allowed to go up and get seconds, for example?

A. Are you talking about workers?

Q. No, I'm talking about general population.

A. Oh. Yeah. No, sir, they wasn't authorized. No, sir.

Q. They were not authorized to get seconds, is what you're saying?

A. Yes, sir.

Q. They get to go through the line once, and whatever food is put on their tray, that's what they got to eat?

A. Yes, sir.

Q. Who made that policy?

MR. LEE: Foundation.

THE WITNESS: I don't know, sir.

That's the way it was when I was there. I

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Bar Index	Approximate Length (%)
1	45
2	95
3	55
4	100
5	100
6	98
7	92
8	25
9	92
10	95
11	25
12	98
13	45
14	90
15	100
16	55
17	30
18	88
19	98
20	90
21	95
22	92
23	98
24	95

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see this back-and-forth that there's discussion about -- hold on. Stop there.

There's a follow-up inquiry about the two rolls of toilet paper from -- if you scroll up to the name -- Kelly Stressinger.

Do you know who that was?

A. No recollection, sir.

Q. Okay. If we keep going up, I think you'll find that CoreCivic was saying that, you know -- here, stop there -- from you, there's the information on the last two bullet points, issued one roll during intake, and then issued as needed at unit, no cost to detainee.

Do you recall why CoreCivic was only giving one roll of toilet paper when the government was suggesting two rolls of toilet paper given to ICE detainees?

MR. LEE: Form and foundation.

THE WITNESS: No, sir.

BY MR. HOWARD:

Q. I mean, to me. It would seem to be just a cost issue. But as the warden, was there any other consideration, other than cost, as to why you might not want to give your detainees at

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Stewart two rolls of toilet paper instead of one?

MR. LEE: Object to form.

THE WITNESS: No, sir.

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administrative segregation is people who are pending investigation or hearing of prohibited acts.

Do you see that?

A. Yes, sir.

Q. So I think I'd asked you about this earlier and then said we'd come back to it when we start talking about segregation. But is it consistent with your recollection that detainees suspected of engaging in prohibited acts, pending an investigation and even a hearing about whether they actually engaged in those prohibited acts, could be placed in administrative segregation?

A. Yes, sir. Situation-dependent, yes, sir.

Q. And other than the reason for being put in segregation, was there any functional difference, as far as the conditions for the detainee, between administrative segregation and disciplinary segregation?

A. I cannot recall what the differences are now, sir.

Q. Or if there were any?

A. I'm sure there were some

1 CERTIFICATE OF REPORTER/NOTARY PUBLIC

2
3 I, Goldy Gold, a Notary Public within and
4 for the State of Maryland, do hereby certify that the
5 within-named witness personally appeared before me at
6 the time and place herein set out, and after having
7 been duly sworn by me, according to the law, was
8 examined by counsel.

9 I further certify that the examination was
10 recorded stenographically by me and this transcript
11 is a true record of the proceedings.

12 I further certify that I am not of counsel
13 to any of the parties, nor in any way interested in
14 the outcome of this action.

15 As witness my hand and notarial seal this
16 15th day of November, 2021.

17
18
19 A handwritten signature in dark ink, appearing to read 'Goldy Gold', with a circular notary seal partially visible behind it.

20
21 _____
22 GOLDY GOLD, RPR
23 Notary Public

24 My Commission Expires: April 24, 2025
25